

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN THOMAS FISHER,

Petitioner,

v.

CASE NO. 5:11-CV-14411
HONORABLE JOHN CORBETT O'MEARA

J.S. WALTON,

Respondent.

**ORDER DENYING PETITIONER'S MOTION
TO ALTER OR AMEND JUDGMENT UNDER RULE 59(e)**

This matter is before the Court on Petitioner's "Motion to Alter or Amend Judgment Under Rule 59(e)" concerning the Court's non-prejudicial dismissal of his habeas petition brought pursuant to 28 U.S.C. § 2241. Petitioner's motion must be denied. A motion for new trial or reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). The Court properly addressed the dismissal versus transfer issue in its prior dismissal order. Petitioner has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3). Accordingly, the Court **DENIES** Petitioner's motion. This case is closed.

IT IS SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: December 9, 2011

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 9, 2011, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager